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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHANG, ANNAN Q	

ART UNIT	PAPER NUMBER
2614	18

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/238,261	INOUE ET AL.	
	Examiner	Art Unit	
	Annan Q Shang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32,33,36-38,40,41,43-45 and 47-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *33 and 41* is/are allowed.

6)☒ Claim(s) *32,36,37,40,43,44 and 47-50* is/are rejected.

7)☒ Claim(s) *38 and 45* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/01/03 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 32, 36, 37, 40, 43, 44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aras et al (5,872,588)** and further in view of **Johnson (5,053,883).**

As to Claim 32, note the **Aras et al** reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition apparatus for operable in a system including a multiplicity of the broadcast-program selection history information acquisition apparatuses and a notification station, the apparatuses being operable to transmit to notification station, for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising the

following: the claimed "storage means for storing selection information of the selected broadcast programs..." is met by Memory 1706 of Home Station (HS) 111 (figs. 1B, 15 col. 26, line 5-20), note that Memory 1706 stores selection information of selected programs at predetermined times when the user interacts with the audio-visual materials (AVMs) stream that is broadcast via satellite, the interaction includes change, pause, stop, PIP, swap, etc., (col. 13, lines 62-col. 14, line 24 and lines 44-67) the claimed "transmission means for transmitting the selection history information..." is met by Communication Adapter Controller (CAC) 1557 of HS 111 (fig. 15, col. 24, lines 7-13, col. 14, lines 44-67 and col. 17, lines 40-56), note that CAC 1557, transmits the Behavior Collection Table (BCT) data "selection history information" which is composed of a plurality of pieces of the selection information stored at a plurality of acquisition times, to Behavior Collection Center (BCC) 121 "a notification destination," at predetermined transmission timing (col. 14, lines 44-67 and col. 17, lines 40-56), that "predetermined transmission timing" includes, when HS 111 automatically turns 'ON,' at a preselected time or by subscriber (col. 14, lines 30-33), on the fly (col. 17, lines 4-23) or at a predetermined threshold of the M 1706, note further that the various transmission timing, enables BCC to receive multiplicity of BCT data from HS 111 and process them accordingly, the claimed 'a multiplicity of broadcast-program selection history information acquisition apparatuses and a notification station, the apparatuses being operable to transmit to the notification station" is met by Home Station (HS) 111 (fig. 1B and col. 5, lines 34-50) note that the HS 111, note that the HS 111, has a Satellite dish and receives satellite broadcast of "multiplicity of broadcast programs" and

BCT data consists of "a multiplicity of broadcast-program selection history information" which are generated at HS 111 and transmitted to BCC 121 based on a predetermined transmission timing.

Aras, fails to explicitly teach transmission timing assigned at random in accordance with an intrinsic random number.

However, note the **Johnson** reference Figures 1 and 11, teaches a method and apparatus for efficiently transferring data from a plurality of remote terminals to a central facility via communication path where the central facility polls data from Terminals 7, 8 or 9, by sending a signals to control a random number generator at each Terminal 7, 8 or 9, to randomly distribute "transmission timing assigned at random..." the call back times of the terminals (figures 1, 11, col. 4, lines 46-68, col. 13, lines 12-24 and col. 15, line 65-col. 16, line 14).

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Johnson into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server and reduce the effect of interference or collision between terminals that responds and transmits data at substantially the same time.

As to claim 36, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected, Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 37, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note figure 14.

As to claim 40, note the **Aras et al** reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition method for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising the following: the claimed "providing a multiplicity of broadcast-program selection history information acquisition apparatuses" is met by Home Station (HS) 111 (figure 1(b), col. 5, lines 4-38 and col. 6, lines 32-44) note that HS 111 also includes a satellite dish for receiving multiplicity of audio-visual materials (AVMs) "broadcast-programs" and stores selections information; the claimed "storing selection history information..." is met by Memory 1706 of Home Station (HS) 111 (figs. 1B, 15 col. 26, line 5-20), note that Memory 1706 stores selection information of selected programs at predetermined times when the user interacts with the audio-visual materials (AVMs) stream that is broadcast via satellite, the interaction includes change, pause, stop, PIP, swap, etc., (col. 13, lines 62-col. 14, line 24 and lines 44-67) the claimed "transmitting the selection history information..." is met by Communication Adapter Controller (CAC) 1557 of HS 111 (fig. 15, col. 24, lines 7-13, col. 14, lines 44-67 and col. 17, lines 40-56), note that CAC 1557, transmits the Behavior Collection Table (BCT) data "selection history information" which is composed of a plurality of pieces of the selection information stored at a plurality of acquisition times, to Behavior

Collection Center (BCC) 121 "a notification destination," at predetermined transmission timing (col. 14, lines 44-67 and col. 17, lines 40-56), that "predetermined transmission timing" includes, when HS 111 automatically turns 'ON,' at a preselected time or by subscriber (col. 14, lines 30-33), on the fly (col. 17, lines 4-23) or at a predetermined threshold of the M 1706, note further that the various transmission timing, enables BCC to receive multiplicity of BCT data from HS 111 and process them accordingly.

Aras, fails to explicitly teach transmission timing assigned at random in accordance with an intrinsic random number.

However, note the **Johnson** reference Figures 1 and 11, teaches a method and apparatus for efficiently transferring data from a plurality of remote terminals to a central facility via communication path where the central facility polls data from Terminals 7, 8 or 9, by sending a signals to control a random number generator at each Terminal 7, 8 or 9, to randomly distribute "transmission timing assigned at random..." the call back times of the terminals (figures 1, 11, col. 4, lines 46-68, col. 13, lines 12-24 and col. 15, line 65-col. 16, line 14).

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Johnson into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server and reduce the effect of interference or collision between terminals that responds and transmits data at substantially the same time.

As to claim 43, Aras further discloses a broadcast-program selection history information acquisition method where the selection information is composed of channel

number information of the selected broadcast programs and time information showing the times when the broadcast programs are selected, note Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 44, Aras further discloses a broadcast-program selection history information acquisition method wherein the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note Figure 14

As to Claim 47, note the **Aras et al** reference Figures 1 and 15, teach apparatus for use in a system including a multiplicity of the broadcast-program selection history information acquisition apparatuses and a notification station, the apparatuses being operable to transmit to notification station, for use acquiring broadcast-program selection history information, comprising the following: a front end, Channel Selector 1558 of Home Station (HS) 111, for receiving a signal and providing therefrom a selected broadcast program (fig. 15 and col. 24, lines 57-col. 25, line 5); the claimed "a memory fot storing selection information of the selected broadcast programs..." is met by Memory 1706 of Home Station (HS) 111 (figs. 1B, 15 col. 26, line 5-20), note that Memory 1706 stores selection information of selected programs at predetermined times when the user interacts with the audio-visual materials (AVMs) stream that is broadcast via satellite, the interaction includes change, pause, stop, PIP, swap, etc., (col. 13, lines 62-col. 14, line 24 and lines 44-67) the claimed "transmitter for transmitting the selection history information..." is met by Communication Adapter Controller (CAC) 1557 of HS 111 (fig. 15, col. 24, lines 7-13, col. 14, lines 44-67 and col. 17, lines 40-56), note that

CAC 1557, transmits the Behavior Collection Table (BCT) data "selection history information" which is composed of a plurality of pieces of the selection information stored at a plurality of acquisition times, to Behavior Collection Center (BCC) 121 "a notification destination," at predetermined transmission timing (col. 14, lines 44-67 and col. 17, lines 40-56), that "predetermined transmission timing" includes, when HS 111 automatically turns 'ON,' at a preselected time or by subscriber (col. 14, lines 30-33), on the fly (col. 17, lines 4-23) or at a predetermined threshold of the M 1706, note further that the various transmission timing, enables BCC to receive multiplicity of BCT data from HS 111 and process them accordingly, the claimed 'a multiplicity of broadcast-program selection history information acquisition apparatuses and a notification station, the apparatuses being operable to transmit to the notification station" is met by Home Station (HS) 111 (fig. 1B and col. 5, lines 34-50) note that the HS 111, note that the HS 111, has a Satellite dish and receives satellite broadcast of "multiplicity of broadcast programs" and BCT data consists of "a multiplicity of broadcast-program selection history information" which are generated at HS 111 and transmitted to BCC 121 based on a predetermined transmission timing.

Aras, fails to explicitly teach a random number generator and transmission timing assigned at random in accordance with an intrinsic random number.

However, note the **Johnson** reference Figures 1 and 11, teaches a method and apparatus for efficiently transferring data from a plurality of remote terminals to a central facility via communication path where the central facility polls data from Terminals (IRDs) 7, 8 or 9, by sending a signals to control a random number generator at each

Terminal 7, 8 or 9, to randomly distribute "transmission timing assigned at random..." the call back times of the terminals (figures 1, 11, col. 4, lines 46-68, col. 13, lines 12-24 and col. 15, line 65-col. 16, line 14), note that the polling of the IRDs in the hotel system can also be implemented in the Cable Television system (col. 16, lines 52-62)

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Johnson into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server and reduce the effect of interference or collision between terminals that responds and transmits data at substantially the same time.

4. Claims 48-50, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aras et al (5,872,588)** in view of **Johnson (5,053,883)** as applied to claims 32, 40 and 47 above, and further in view of **Marsh et al (5,463,671).**

As to claims 48-50, Aras has modified by Johnson fail to explicitly teach transmitting a header that includes an identification number and a telephone number belonging to a user of the apparatus.

However, note **Marsh et al** reference figure 1, disclose a telecommunications network having a distributed network of decentralized local stations, provides each subscriber station with a unique identification number or code and simultaneously transmitting the unique identification number with the telephone number (col. 4, lines 38-45 and col. 11, lines 65-line 11).

Therefore it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Marsh into the system of Aras as

modified by Johnson, in order to enable the central facility to group subscriber terminals by geographical location using telephone numbers and allow the flexibility of polling individual or groups of subscriber terminal data based on location and further prevent collision or interference when two terminals simultaneously transmit data at the same time to the central facility.

Allowable Subject Matter

5. Claims 33 and 41 are allowed.

6. Claim 38 and 45, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the based claim and any intervening claims.

As to claims 38 and 45, the prior art of records Aras et al, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, storing selection information of the selected broadcast programs at predetermined acquisition times and transmission means for transmitting the selection history information to a notification destination at an intrinsically assigned predetermined transmission timing. Johnson teaches plurality of subscriber terminals that generates a random number value corresponding to a prescribed time before transmission to a central facility. However neither Aras nor Johnson and any of the cited references teach, transmitting the selection history information to the notification destination through a predetermined line at the transmission timing, and where the broadcast-program selection history information apparatus changes the setting of the

predetermined acquisition times and/or the setting of the transmission timing based on a change command transmitted from the notification destination through the line

The following is an examiner's statement of reasons for allowance:

With respect to claims 33 and 41, the prior art of records Aras et al, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, storage means, for storing selection information of the selected broadcast programs at predetermined acquisition times and transmission means for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of the acquisition times, to a notification destination at an intrinsically assigned predetermined transmission timing. Johnson teaches plurality of subscriber terminals that generates a random number value corresponding to a prescribed time before transmission to a central facility. However neither Aras nor Johnson and any of the cited references teach transmission means, transmits the selection history information through a predetermined telephone line, and decides the predetermined transmission timing based on a telephone number assigned to the telephone line, which novel features are recited in the instant invention with respect to independent claims 33 and 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments with respect to claims 32, 36-37, 40, 43, 44 and 47-50, have been considered but are moot in view of the new ground(s) of rejection. With respect to Applicant amended claims 32, 40 and 47, Aras reference still reads on the amended claims. Note that Aras's Home Station (HS) 111 is "a multiplicity of broadcast-program selection history information acquisition apparatuses and a notification station, the apparatuses being operable to transmit to the notification station," is it includes a Satellite dish and receives satellite broadcast of "multiplicity of broadcast programs," and Behavior Collection Table (BCT) data, consists of "a multiplicity of broadcast-program selection history information" which are generated at HS 111 and transmitted to BCC 121 based on a predetermined transmission timing (see rejection above). Furthermore, the various transmission timing, enables BCC 121, to receive multiplicity of BCT data from HS 111 and process them accordingly. Applicant further argues that Suematsu is a master station, that transmits at a timing determined by a random number only for re-transmission of data, and not for primary the transmission and further the transmission by the master station, at a randomly determined timing is only used for "one-to-one" communication, etc., However this limitation is clearly met by the Johnson reference in combination with Aras discussed above. This is Non-Final Office Action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ushida (6,253,095) discloses telephone set, communications system, and method of setting security functions in telephone set.

Martz et al (6,088,439) disclose system for connecting calls on physically distinct servers on advanced intelligent network.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-746-5991**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Customer Service** whose telephone number is **703-306-0377**.

Annan Q. Shang

JOHN MILLER
SUPERVISORY PATENT EXAMINER
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